

FILED

JUN 19 2013

Clerk, U.S. District Court
District Of Montana
Great Falls

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS GERALD FAST HORSE,

Defendant.

CR 11-41-GF-DLC

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on May 28, 2013. He found that Defendant violated Standard Condition No. 11 by failing to inform his probation officer that he had contact with law enforcement, violated Special Condition No. 1 by failing to report for substance abuse testing, violated Special Condition No. 2 by failing to appear for scheduled substance evaluations, and violated Special Condition No. 3 by consuming alcohol. Judge Strong recommends that this Court revoke

Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months, to be followed by 27 months of supervised release. No objections have been filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of supervised release as alleged in the revocation petition. Judge Strong is correct that Defendant faces a maximum sentence of 36 months, with up to 24 months of that sentence in custody and the remainder on supervised release. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. This Court agrees that a sentence of 9 months in custody followed by 27 months of supervised release is appropriate as Defendant has violated four conditions of his supervised release within a 2 month period of time, and the sentence is necessary to impress upon Defendant the seriousness of supervised release conditions.

IT IS ORDERED that Judge Strong's Findings and Recommendations

(doc. 42) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 19th day of June, 2013.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court